THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.25768, 25769 and 25770 of 2006

26.4.2007

Between:

Beenaveni Mukesh, S/o.Bheemaiah
and others

… Petitioners

AND

The Executive Officer, Gram Panchayat, Vemulawada (Mandal, Karimnagar District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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COMMON ORDER:

Kanuru Gram Panchayat invited tenders in January 2006 for supply of labour for scavenging in the Gram Panchayat area. Likewise, the Gram Panchayat also invited tenders for supply of water, for supply of electricians and helpers, and for supply of watchmen and fitters. The petitioner in W.P.No.25768 of 2006 became highest bidder for supply of labour for scavenging work is concerned. Petitioner in W.P.No.25769 of 2006 became highest bidder for supply of electricians and helpers. Petitioner in W.P.No.25770 of 2006 became highest bidder for supply of watchmen and fitters. The Gram Panchayat vide resolution Nos.104, 105 and 106, dated 20.2.2006, accepted the tenders. The contract is valid upto 31.3.2007. Petitioners were allegedly given work orders and were performing their part of the contract. In the meanwhile, elections were held and new body took over. On 02.9.2006, the Gram Panchayat cancelled the tenders and the same was communicated by the Panchayat Secretary of Kanuru Gram Panchayat, aggrieved by which, the present writ petitions are filed. In all the writ petitions, petitioners seek a writ of Mandamus declaring the action of the Gram Panchayat in abruptly stopping the works, which were approved by the Gram Panchayat by earlier resolutions dated 20.2.2006 as illegal and arbitrary. A consequential direction is sought to respondents to follow rule of law during subsistence of the contracts.

These three writ petitions were heard on 20.3.2007. It was brought to the notice of this Court by learned Standing Counsel that though the Gram Panchayat earlier passed resolution, the same was not cancelled and that the petitioners did not supply any labour. In view of the orders of Andhra Pradesh Administrative Tribunal in

O.A.No.2252 of 2003 and batch whereunder the Hon'ble Tribunal directed to take 9 NMRs into service. This is however denied by the learned Counsel for petitioners. Therefore, the matter was adjourned to enable the learned Counsel to get instructions in the matter.

Petitioners filed additional material papers along with WPMP No.8976 of 2007. Xerox copies of the resolutions passed by the Gram Panchayat agreeing to pay the amounts to the petitioners have been filed. Learned Counsel for petitioners, therefore, submits that though the amounts were paid to some of the works and for subsequent works, the amounts were not paid. This can be sorted out by the petitioners by approaching the Gram Panchayat. The contract was given to the petitioners – whether it is valid or invalid – for a period of one year i.e., upto 31.3.2007 and thereafter the contract was not extended. Therefore, for the balance amounts, petitioners are given liberty to make a representation to the Gram Panchayat for appropriate decision.

The writ petitions, with the above observation, are accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 26, 2007.
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